

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY)
PARTNERS, COUNTRY MUSIC.)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION, LLC,)
)
Plaintiffs,)
)
vs.) NO. 07-CV-2103
)
YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)
)
Defendants.)
)

)
THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)
)
Plaintiffs,)
vs.) NO. 07-CV-3582
)
YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)
)
Defendants.)
)

VIDEOTAPED DEPOSITION OF KENT WALKER
PALO ALTO, CALIFORNIA
THURSDAY, DECEMBER 17, 2009

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR
CSR LICENSE NO. 9830
JOB NO. 18312

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DECEMBER 17, 2009

9:05 a.m.

VIDEOTAPED DEPOSITION OF KENT WALKER,
MAYER BROWN, Two Palo Alto Square, Suite 300,
Palo Alto, California, pursuant to notice, and
before me, ANDREA M. IGNACIO HOWARD, CLR, RPR,
CRR, CSR License No. 9830.

A P P E A R A N C E S:

FOR THE PLAINTIFFS VIACOM INTERNATIONAL, INC.:

JENNER & BLOCK, LLP

By: MICHAEL DESANCTIS, Esq.

SARAH MAGUIRE, Esq.

1099 New York Avenue, NW, Suite 900

Washington, D.C. 20001

(202) 639-6000 mdesanctis@jenner.com

FOR THE ENGLISH PREMIER LEAGUE:

PROSKAUER ROSE, LLP

By: GIL N. PELES, Esq.

2049 Century Park East, Suite 3200

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(310) 284-5611 gpeles@proskauer.com

FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC and
GOOGLE, INC.:

MAYER BROWN, LLP

By: ANDREW H. SCHAPIRO, Esq.

1675 Broadway

New York, New York 10019

(212) 506-2146 aschapiro@mayer.com

A P P E A R A N C E S (Continued.)

ALSO PRESENT: Catherine Lacavera, Google, Inc.
Stewart Pettigrew, Videographer.

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1 WALKER, KENT

2 PALO ALTO, CALIFORNIA

3 09:03:58 THURSDAY, DECEMBER 17, 2009

4 09:03:58 9:05 a.m.

5 09:03:59

6 09:04:07 THE VIDEOGRAPHER: Today's videotaped

7 09:04:09 deposition of Kent Walker is taken on December 17,

8 09:04:13 2009, at Mayer Brown, at Two Palo Alto Square,

9 09:04:18 Suite 300, 3000 El Camino, Palo Alto, California.

10 09:04:22 In the matter of Viacom International, Inc.,

11 09:04:22 and others, The Football Association Premier League,

12 09:04:32 Ltd., and others versus YouTube, Inc., and others.

13 09:04:32 Cases No. 07-CV-2103 and 07-CV-3582 in the

14 09:04:44 United States District Court for the Southern District

15 09:04:46 of New York.

16 09:04:47 My name is Stewart Pettigrew. I represent

17 09:04:50 David Feldman Worldwide, located at 600 Anton

18 09:04:55 Boulevard, Suite 1100, Costa Mesa, California.

19 09:05:00 We are now commencing at approximately

20 09:05:01 9:05 a.m.

21 09:05:02 Will all present please identify themselves,

22 09:05:06 beginning with the witness.

23 09:05:06 THE WITNESS: I'm Kent Walker, general

24 09:05:08 counsel of Google, Inc.

25 09:05:10 MR. SCHAPIRO: Andy Schapiro from Mayer Brown

1 WALKER, KENT

2 09:05:10 for the defendants.

3 09:05:10 MS. LACAVERA: Catherine Lacavera, in-house

4 09:05:10 counsel at Google for Google and the witness.

5 09:05:10 MR. PELES: Gil Peles from Proskauer Rose on

6 09:05:20 behalf of The Premier League plaintiffs.

7 09:05:20 MS. MAGUIRE: Sarah Maguire, Jenner & Block,

8 09:05:22 on behalf of Viacom.

9 09:05:22 MR. DESANCTIS: And Michael DeSanctis,

10 09:05:25 Jenner & Block for the Viacom plaintiffs.

11 09:05:27 THE VIDEOGRAPHER: Thank you.

12 09:05:28 Please swear in the witness.

13 09:05:28

14 09:05:28 KENT WALKER,

15 09:05:28 having been sworn as a witness,

16 09:05:38 testified as follows:

17 09:05:38

18 09:05:39 THE VIDEOGRAPHER: Please begin.

19 09:05:39

20 09:05:40 EXAMINATION BY MR. DESANCTIS

21 09:05:40 MR. DESANCTIS: Q. Good morning.

22 09:05:41 A Good morning.

23 09:05:41 Q Could you please state and spell your name

24 09:05:43 for the record?

25 09:05:43 A Sure.

1 WALKER, KENT

2 09:05:44 It's Kent Walker, K-E-N-T, W-A-L-K-E-R.

3 09:05:48 Q Mr. Walker, have you ever had your deposition

4 09:05:52 taken before?

5 09:05:52 A No, I have not.

6 09:05:54 Q Okay. Have you ever sat in on depositions?

7 09:05:56 A Yes, I have.

8 09:05:56 Q Have you ever taken a deposition?

9 09:05:58 A One, I believe.

10 09:05:59 Q Okay. I know you're an attorney; correct?

11 09:06:02 A Yes.

12 09:06:03 Q So I won't bore you with the details, but

13 09:06:06 it's an easy process. I ask you questions; you give

14 09:06:09 me answers.

15 09:06:09 One thing is important, however. If you

16 09:06:13 don't understand my questions, please let me know.

17 09:06:17 Ask me to restate, tell me what the problem is, so

18 09:06:20 that we're both sure that we have a -- a

19 09:06:23 straightforward conversation; okay?

20 09:06:24 A Sure.

21 09:06:25 Q Great.

22 09:06:26 And I'll remind you that we need verbal

23 09:06:28 answers, as opposed to nods of the head, so that it's

24 09:06:32 picked up by the court reporter.

25 09:06:33 A Okay.

1 WALKER, KENT

2 09:06:34 Q With whom are you currently employed,

3 09:06:36 Mr. Walker?

4 09:06:37 A Google.

5 09:06:37 Q And what is your position there?

6 09:06:39 A I am vice president and general counsel.

7 09:06:41 Q Does that mean you are the chief or highest

8 09:06:45 ranking legal officer at Google, Inc.?

9 09:06:47 A No.

10 09:06:47 MR. SCHAPIRO: Objection; vague.

11 09:06:48 You may answer.

12 09:06:49 THE WITNESS: No.

13 09:06:50 MR. DESANCTIS: Q. Who is?

14 09:06:51 A David Drummond.

15 09:06:54 Q Okay. What is his title?

16 09:06:55 A Chief legal officer and senior vice president

17 09:06:58 for corporate development, I believe. That's close.

18 09:07:00 Q Do you report to Mr. Drummond?

19 09:07:01 A Yes, I do.

20 09:07:02 Q And to whom does Mr. Drummond report?

21 09:07:05 A Eric Schmidt.

22 09:07:06 MR. SCHAPIRO: I just want to ask that you

23 09:07:08 pause for one second --

24 09:07:09 THE WITNESS: Yes.

25 09:07:09 MR. SCHAPIRO: -- before answering --

1 WALKER, KENT

2 09:07:10 THE WITNESS: Yes.

3 09:07:11 MR. SCHAPIRO: -- so that I may object.

4 09:07:11 THE WITNESS: Fair enough.

5 09:07:15 And, in general, I -- for the benefit of the

6 09:07:16 court reporter, I tend to speak very quickly. Please

7 09:07:19 let me know if I'm going too fast for you to

8 09:07:22 transcribe.

9 09:07:22 MR. DESANCTIS: She will. I've seen her do

10 09:07:24 it before.

11 09:07:24 THE WITNESS: Yes.

12 09:07:24 MR. DESANCTIS: Okay.

13 09:07:26 Q How long have you had your current title at

14 09:07:29 Google, Inc.?

15 09:07:30 A Approximately three years.

16 09:07:31 Q Were you in any other positions at Google,

17 09:07:43 Inc., before your current title?

18 09:07:44 A No.

19 09:07:44 Q So you've been at Google, Inc., for three

20 09:07:47 years?

21 09:07:48 A Yes.

22 09:07:48 Q Okay. You started when?

23 09:07:50 A November of 2006.

24 09:07:59 Q Where when -- where were you employed before

25 09:08:00 that?